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KEVIN STOCK
COUNTY CLERK
NO: 20-2-05888-8

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR PIERCE COUNTY

REBECCA J. LEEPER, an individual,

Plaintiff,

vs.

CITY OF TACOMA, a municipal
corporation; TEL C. THOMPSON, and
JOHN DOES 1-5, in their individual
capacities,

Defendants.

NO.

COMPLAINT FOR DAMAGES

COMES NOW Plaintiff Rebecca J. Leeper, by and through her attorneys of record, Joshua R. Brumley of Brumley Law Firm, PLLC, and Loren A. Cochran and Nicholas B. "Cole" Douglas of Cochran Douglas Law, and hereby alleges as follows:

I. PARTIES

1.1 Plaintiff Rebecca J. Leeper was a resident of Pierce County, Washington at all times relevant to this action.

1.2 Defendant City of Tacoma is a Washington municipal entity with police powers existing pursuant to the Washington State Constitution and the Constitution of the United States. Defendant City of Tacoma is responsible for formulating and implementing the Tacoma

COMPLAINT FOR DAMAGES

1 Police Department's ("TPD") policies and procedures and ensuring its officers are properly and
2 adequately trained.

3 1.3 It is believed and therefore alleged that Defendant Tel C. Thompson is a resident
4 of Pierce County, Washington State who worked for the City of Tacoma at all times material
5 hereto and held the position of Police Officer for TPD.

6 1.4 It is believed and therefore alleged that John Does 1-5 worked for or were
7 otherwise intricately involved in the TPD at all times material hereto and/or held positions at
8 TPD and were involved in the specific facts which led to the injuries suffered by Plaintiff.

9 **II. JURISDICTION AND VENUE**

10 2.1 Venue is proper in Pierce County under RCW 4.12.020.

11 2.2 Jurisdiction is proper under RCW 4.96.010 and 4.96.020. A City of Tacoma
12 claim for damages form was presented to the City of Tacoma, City Clerk's Office as directed
13 on the tort claim form. More than sixty (60) calendar days have elapsed since the filing of the
14 tort claim form such that filing of this action is allowed pursuant to RCW 4.96.020.

15 **III. JURY DEMAND**

16 3.1 Plaintiff hereby demands a jury trial on the causes of action set forth herein.

17 **IV. STATEMENT OF FACTS**

18 4.1 In 2017, Defendant Tel C. Thompson was employed by the Tacoma Police
19 Department as an active duty police officer.

20 4.2 During that same time period, Defendant Thompson was assigned by TPD to
21 provide increased security as an off-duty officer at various Fred Meyer store locations across
22 the City of Tacoma. In this role, Defendant Thompson wore his complete TPD uniform, and
23 represented himself as a TPD officer.

24 4.3 Plaintiff Rebecca J. Leeper was an employee of Fred Meyer in 2017, working
25 as a Loss Prevention Manager, at the 4505 South 19th Street store location. During the relevant
26 time periods, Defendant Thompson was assigned by TPD to provide security at that same store.

1 4.4 Starting in November 2017, Plaintiff Leeper became aware of Defendant
2 Thompson exhibiting aggressive, confrontational behavior that was usually colored with overt
3 sexualized comments. For example, Defendant Thompson made inappropriate sexual
4 comments to a male Fred Meyer employee's girlfriend. On another occasion, Defendant
5 Thompson made baseless accusations that Fred Meyer employees had been watching
6 pornography during a web-based training session.

7 4.5 In response, Plaintiff Leeper reported Defendant Thompson's regular
8 inappropriate behaviors to her supervisor and asked that he be removed as an off-duty police
9 officer assigned to the store. Plaintiff Leeper's supervisor then reported the concerning
10 behavior to TPD.

11 4.6 At this point in time, TPD already had notice that Defendant Thompson had a
12 history of being overly confrontational and exhibiting inappropriate sexualized conduct based
13 on prior allegations and reports. For example, near or around 2016, chaperons from Eatonville
14 High School reported to TPD that Defendant Thompson made inappropriate comments about
15 students having sex and female students wearing suggestive clothing, while providing security
16 as an off-duty police officer at the high school.

17 4.7 Despite possessing this information and being aware of the danger that
18 Defendant Thompson posed, TPD merely removed Defendant Thompson from providing off-
19 duty security work at high schools, and instead assigned him to provide security for the Fred
20 Meyer stores.

21 4.8 In a similar unresponsive fashion, after learning of the new allegations from
22 Plaintiff Leeper's supervisor, TPD merely reassigned Defendant Thompson to another Fred
23 Meyer store location. At no point did TPD ever remove Defendant Thompson from off-duty
24 assignment or active duty rotation.

25 4.9 Near or around July 15, 2018, Plaintiff Leeper was again working at the Fred
26 Meyer store on South 19th Street conducting an internal audit. As she entered the Loss

1 Prevention office, Defendant Thompson jumped out from behind a door where he was hiding
 2 in an effort to frighten and embarrass Plaintiff Leeper. Defendant Thompson was wearing his
 3 full police uniform at the time. He had his badge, handcuffs, flashlight, and TPD sanctioned
 4 firearm on his person.

5 4.10 Defendant Thompson grabbed Plaintiff Leeper from behind, hugging her and
 6 stating that he missed seeing her. Defendant Thompson then proceeded to grab and slap
 7 Plaintiff Leeper's breasts, all while exclaiming, "look at these tits; they're huge" to everyone in
 8 the room.

9 4.11 Defendant Thompson then grabbed Plaintiff Leeper's bra straps and
 10 aggressively shook them up and down repeatedly, in an attempt to make her breasts bounce and
 11 jiggle.

12 4.12 After physically and sexually assaulting Plaintiff Leeper, Defendant Thompson
 13 displayed a picture of his penis on his phone, and then thrust his pelvis back and forth soliciting
 14 an invitation to tap his genitals.

15 4.13 The following day, Plaintiff Leeper reported the sexual assault and harassment
 16 to her supervisor, who again forwarded the information to TPD. Defendant Thompson was
 17 ultimately removed from the Fred Meyer off-duty account, and upon information and belief,
 18 has since been terminated from his position as a police officer with TPD.

19 4.14 As a direct and proximate result of the sexual assault and harassment that
 20 Plaintiff Leeper experienced, she has suffered significant damages, including but not limited to
 21 symptoms of depression and anxiety, feelings of shame, fear, anger, sadness, and
 22 embarrassment, as well as physical health problems, hypervigilance and irritability.

23 V. CAUSES OF ACTION

24 A. FIRST CLAIM FOR RELIEF - 42 U.S.C. §1983

25 Defendant Thompson

26 1) Fourteenth Amendment:

5.1 Plaintiff re-alleges the paragraphs set forth above.

1 5.2 At all times material, Defendant Thompson, acting under color of state law and
2 in his individual capacity, had a duty to refrain from depriving Plaintiff Leeper of her
3 Constitutional rights.

4 5.3 The Fourteenth Amendment encompasses the expectation of bodily integrity and
5 privacy, and it applies to local governmental actors like Defendant Thompson.

6 5.4 Defendant Thompson breached the Fourteenth Amendment by intentionally,
7 recklessly and/or deliberately indifferent by engaging Plaintiff Leeper in acts of sexual assault
8 and harassment.

9 5.5 As a result of these constitutional violations, Plaintiff Leeper suffered physical,
10 mental and emotional injuries

11 **B. SECOND CLAIM FOR RELIEF – 42 U.S.C. §1983**

12 Defendant City of Tacoma and Does 1-5

13 5.6 Plaintiff re-alleges the paragraphs set forth above.

14 5.7 At all times material, Defendant City of Tacoma and its local governmental
15 policy makers, acting under color of state law, had a duty to refrain from depriving Plaintiff
16 Leeper of her Constitutional rights.

17 5.8 Acting under color of law, Defendant City of Tacoma and its policy makers
18 acted with deliberate indifference for Plaintiff Leeper's Constitutional rights by failing to
19 promulgate, issue and enforce appropriate procedures and regulations concerning its off-duty
20 police officer security program; in addition, Defendant City of Tacoma had actual knowledge
21 of past complaints of against its police officer, Defendant Thompson, and yet the City
22 deliberately continued to assign him out for extra duty assignments.

23 5.9 By failing to promulgate, issue and enforce appropriate procedures and
24 regulations concerning its off-duty police officer security program, Defendants City of Tacoma
25 and Does 1-5 acted with reckless and deliberate indifference to the Constitutional rights of
26 Plaintiff Leeper and the other individuals working and shopping at Fred Meyer.

1 5.10 As a result of these constitutional violations, Plaintiff Leeper suffered physical,
2 mental and emotional injuries.

3 **C. THIRD CLAIM FOR RELIEF -- NEGLIGENT AND GROSSLY NEGLIGENT**
4 **HIRING, TRAINING, AND SUPERVISION OF EMPLOYEES AND AGENTS**

5 Defendant City of Tacoma and Does 1-5

6 5.11 Plaintiff re-alleges the paragraphs set forth above.

7 5.12 Defendant City of Tacoma has a duty to use reasonable care in hiring, training
8 and supervising its employees and agents, including Defendant Thompson.

9 5.13 Defendant City of Tacoma breached this duty in a negligent and grossly
10 negligent manner.

11 5.14 As a proximate result of Defendant's breach, Plaintiff Leeper was significantly
12 injured by Defendant Thompson.

13 **D. FOURTH CLAIM FOR RELIEF – ASSAULT AND BATTERY**

14 Defendant Thompson

15 5.15 Plaintiff re-alleges the paragraphs set forth above.

16 5.16 Defendant Thompson intentionally sexually assaulted Plaintiff Leeper without
17 any provocation, license or justification.

18 5.17 The acts of Defendant Thompson were done with intent to cause harmful or
19 offensive contact or an apprehension by plaintiff of such contact.

20 5.18 Defendant Thompson's conduct toward Plaintiff Leeper also constitutes battery.

21 5.19 As a direct and proximate result of Defendant Thompson's conduct, Plaintiff
22 Leeper sustained general and special damages.

23 **E. FIFTH CLAIM FOR RELIEF – INTENTIONAL INFLICTION OF**
24 **EMOTIONAL DISTRESS**

25 Defendant Thompson

26 5.20 Plaintiff re-alleges the paragraphs set forth above.

 5.21 Defendant Thompson engaged in extreme and outrageous conduct by sexually
assaulting Plaintiff Leeper.

1 5.22 As a direct and proximate result of this extreme and outrageous conduct,
2 Plaintiff Leeper has suffered severe emotional and psychological distress. Her emotional
3 damages include mental anguish, humiliation and emotional and physical distress.

4 5.23 Also, as a direct and proximate result of this extreme and outrageous conduct,
5 Plaintiff Leeper has suffered and continues to suffer severe emotional and psychological
6 distress, including severe mental anguish, humiliation and outrage.

7 **F. SIXTH CLAIM FOR RELIEF – NEGLIGENT INFLICTION OF EMOTIONAL**
8 **DISTRESS**

9 Defendant City of Tacoma and Does 1-5

10 5.24 Plaintiff re-alleges the paragraphs set forth above.

11 5.25 Defendants City of Tacoma and Does 1-5 owed Plaintiff a duty to use reasonable
12 care. Defendants breached this duty through the negligent acts described above.

13 5.26 Defendants' breach was the proximate cause of emotional distress which was
14 manifested through Plaintiff Leeper.

15 **G. SEVENTH CLAIM FOR RELIEF-- RESPONDEAT SUPERIOR**

16 Defendant City of Tacoma

17 5.27 At all times material herein, Defendant City of Tacoma was responsible for the
18 actions of its agents and employees under the theory of respondeat superior.

19 **VI. RESERVATION OF RIGHTS**

20 6.1 Reservation of Rights. Plaintiff reserves the right to assert additional claims as
21 may be appropriate following further investigation and discovery.

22 **VII. PRAYER FOR RELIEF**

23 WHEREFORE Plaintiff, having asserted claims for relief, now prays for judgment
24 against Defendants as follows:

25 1. For compensatory damages, future damages and punitive damages in an amount to
26 be proven at trial.

 2. For costs and attorneys' fees, including reasonable attorneys' fees pursuant to 42
U.S.C. § 1988; and

1 3. For such other and further relief as the Court deems just and proper.

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16 DATED this 13th day of April 2020.

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